

FINAL MINUTES

Pesticide Control Board Meeting

January 19, 2006

Richmond, Virginia

The Pesticide Control Board meeting was held at 9:00 a.m. in the Oliver W. Hill Building, Richmond, Va. Donald Fritz, Chairman, being in the chair, and the Secretary being present.

The following Board members were present: Dr. George Brown; Ruth Brown; Donald Fritz; Ernest Morse; Robin Rinaca; Liz White; and Joe Wilson. The following Board members were absent: Dr. William Boshier; Carl Garrison, III; Mark Tubbs; Dr. Sharron Quisenberry (represented by Dr. Michael Weaver); and Dr. Lorenza Lyons (represented by Dr. Asmare Atalay).

The following staff members were present: Andres Alvarez; Dr. Wayne Surles; J. Carlton Courter, III; Don Blankenship; Robert Bailey; Kathy Dictor; Marshall Trammell; Liza Fleeson; Joe Dictor; Doug Edwards; Elaine Lidholm; and Rhonda Bates.

Others present: Laurie Coulter, Dow AgroSciences; John Horsley, Terminix; Kevin Kordek, VPMA; Don Goff, Chesapeake Public School; Tom Tracy, VA Turfgrass Council; Susan Nessler, VA Tech.

CALL TO ORDER

Chairman Fritz called the meeting to order.

DETERMINATION OF A QUORUM

Chairman Fritz announced that a quorum was present.

PUBLIC COMMENT PERIOD

No comments.

APPROVAL OF MINUTES

Ms. White moved to adopt the minutes of the October 20, 2005 Board meeting. Mr. Morse seconded. The motion carried unanimously.

OPS LONG TERM FINANCIAL CONSIDERATIONS

Dr. Surles presented a financial overview of the Office of Pesticide Services' current condition and its future outlook. Chairman Fritz suggested that staff explore options for revenue building and present at the next board meeting.

REGULATORY UPDATES

Marshall Trammell reported that 2 VAC 20-40, *Licensing of Pesticide Businesses*, is in the final stage. It was submitted to Town Hall for executive review and will then be published in the Virginia Register. He stated that the other two regulations undergoing amendments are in limbo due to a procedural disagreement.

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ENFORCEMENT ACTIVITIES FOR THE QUARTER

Joe Dictor provided a summary of enforcement activities for the quarter.

PUBLIC POSTING OF COMPLIANCE ACTIONS

Douglas Edwards reported that at a prior Board meeting Mr. Wilson suggested that OPS publicize non-payment of fines. Staff discussed this issue and agreed that creation of an internet site for this posting would be the most efficient and least costly. However, more discussion and direction is needed from the Board as to specifics. Mr. Wilson stated that an approach from a consumer service point of view would be best; posting penalties against companies that have completed due process. Chairman Fritz called for a straw vote regarding this issue and six Board members voted to continue pursuing the issue. A lengthy discussion ensued. Staff was instructed to have a plan of action to present at the April Board meeting.

TERMITICIDE PRE-TREATMENT TASK FORCE UPDATE

Kathy Dictor presented the task force recommendations to the Board, which comprises a dual-pronged approach – strong enforcement activity and a strong educational program. Education includes training of applicators; publication of two brochures that will outline the issues; and inform pest management professionals, property owners and other stakeholders who are involved in the housing business. Ms. Dictor explained VA's legal status in regard to pesticide enforcement in this area is limited compared to other states that have stronger pest control regulation. VA has limited property access; no general use pesticide record keeping requirements; or legal requirements for posting when jobs are completed. The lack of chemical residue standards for new termiticides renders it extremely difficult to verify adequacy of treatment. OPS Pesticide Investigators believe that a significant investment of surveillance time is no guarantee of results. Ms. Dictor stated that the task force recommends an administrative records review of 'low ball' bidders. This method allows OPS to access the bidding company's records under authority of the VA Pesticide Control Act. Mr. Morse moved to accept the task force recommendations. Ms. White seconded. The motion carried unanimously.

Ms. Dictor introduced Mr. Kevin Kordek, who, on behalf of Dr. Dini Miller of VA Tech, presented the educational proposal for funding entitled *Soil Pretreatment Termiticide Application Training*. Mr. Wilson moved that the Board fund the proposal in the amount of \$54,500. Dr. Brown seconded. The motion carried unanimously.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Nessler provided updates on the status of the manual development and on the pesticide applicator training programs. Aside from her usual update, Ms. Nessler stated that the big news the quarter was the release of five new manuals for sale which had been held back pending placement of the certification exam on the PKATS.

Dr. Surles asked for the Board's approval to renegotiate three new Memoranda of Agreements with VA Tech. Dr. Brown moved that Dr. Surles and staff proceed with finalizing the agreements and presenting these at the April Board meeting. Mr. Morse seconded. The motion carried unanimously.

DRIFT CONTROL BROCHURE AND POSTER

Dr. Weaver stated that 14,000 brochures and 5,000 posters were published. Dr. Surles commended Dr. Weaver on the development of the drift brochure.

EXECUTIVE SECRETARY'S REPORT

Dr. Surles informed Board members that VDACS has settled into its new space in the Oliver W. Hill Building. He discussed personnel issues – Dr. Don Delorme, Pesticide Investigator, has left OPS and recruitment for his position has begun. Vickie Rengers was the recipient of the Agency Award of Merit for Distinguished Service for Administrative Support and several staff members received service year awards.

Dr. Surles reported on the following activities.

OPS renewed the maintenance and support agreement on the Enterprise Document Cabinet (EDC). Winifred Jones, Programmer Analyst, will facilitate and consult with other sections within the Consumer Protection Division to expand its capabilities.

He directed the Board's attention to a letter from Tom Saunders regarding improvements to OPS' training and certification programs. Most recommendations listed in Mr. Saunders' letter have been accomplished; however, staff will address his concerns in more detail and respond to Mr. Saunders and report such to the Board.

OPS is working with EPA on a Compliance Action Tracking System (CATS), where OPS provides Virginia's data for CATS while still maintaining OPS' data management system. US EPA conducted a mid-year review of OPS/EPA Pesticide Performance Partnership Grant. Staff's performance was highly commended. EPA is making grant service expectations more demanding. Performance measurement has intensified, which has created a burden. EPA is continuously cutting funds in budgetary cut-backs; however, OPS doesn't anticipate any real impact on programs in the short term. The Endangered Species Protection Program is in the implementation stage, meaning endangered species language will be placed on federal pesticide labels, possibly within the next twelve to eighteen months. This will obligate the user to research the presence of vulnerable endangered species and to avoid harming these organisms.

OPS currently collects and recycles certain plastic pesticide containers. In the future, legislation may dictate that container recycling begin at the registrant level.

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Dr. Surles commented on HB553, which recommends a dual document that would combine licensing of pesticide business establishment and the permitting of the establishment to handle fertilizers. This bill is currently before the house committee.

COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT

Commissioner Courter reported that he was leaving to meet with representatives of the USDA concerning avian influenza. He welcomed the Board to VDACS' new location in the Oliver W. Hill Building, stating that this is a very busy time of year for VDACS with the General Assembly in session and working on the various items affecting this agency in the proposed budget. He also stated that VDACS looked forward to working with the newly elected Governor Tim Kaine and that Robert Bloxom was reappointed Secretary of Agriculture.

Mr. Blankenship added that new furniture options are to be explored for the boardroom. He stated that the agency will receive additional resources in key areas, specifically, animal health, focusing on animal diseases and additional capital outlay funding for facilities on the Eastern Shore. He distributed budget/legislative handouts to Board members.

CHAIRPERSON'S REPORT

Chairman Fritz commented that staff's consistency in doing a good job makes for a strong program.

OTHER BUSINESS

Dr. Atalay, who represents Dr. Lorenza Lyons, retired Dean of Life Sciences at VA State University, reported that the position has been filled by Dr. Alma Hobbs. He thanked the Board for his years of serving with them.

ADJOURNMENT

Meeting adjourned at 12:12 p.m.

(For further detail, taped minutes of the meeting are on file at VDACS and can be accessed by calling 804/371-6558.)